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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,856	11/29/2001	Owen Sullivan	P67363US0	2124

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EXAMINER


SORRELL, ERON J

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/995,856	<b>Applicant(s)</b> SULLIVAN ET AL. 	
	<b>Examiner</b> Eron J Sorrell	<b>Art Unit</b> 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/21/02</u> .   | 6) <input type="checkbox"/> Other: ____                                     |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-9,15, and 16 are rejected under 35 U.S.C. 102(a) as being anticipated by Alfano (WO 99/14877).

3. Referring to claim 1, Alfano teaches an interface layer for a wireless server hosting server applications, the interface layer comprising:

a uniform interface (10) providing uniform interfacing to the server applications (see lines 3-12 of page 6), and a bearer interface (11, 20) having a program associated with each of a plurality of bearer systems (see lines 15-22 of page 4), characterized in that:

each of said programs is a bearer module (20) (see lines 4-7 of page 4);

the bearer interface comprises a bearer module interface (11) comprising means for binding said bearer modules (20) (see lines 15-22 of page 4); and

the interface layer further comprises functions between the uniform interface (10) and the bearer module interface (11), said functions comprising means for allowing the server applications to make calls to connect to a bearer module and to determine status of accessible bearer systems (see paragraph bridging pages 4 and 5).

4. Referring to claim 2, Alfano teaches the functions comprise a configuration manager comprising means for maintaining a configuration list of bearer modules and for responding to server application calls for a configuration list (see lines 14-27 of page 6).

5. Referring to claims 3 and 4, Alfano teaches the configuration manager comprises means for returning information regarding network type, bearer system type, and address type to server applications and capturing bearer module information (see lines 14-27 of page 6).

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6. Referring to claim 5, Alfano teaches the configuration manager comprises means for maintaining a configuration file for every bound bearer module (see item 302 in figure 3).

7. Referring to claim 6-9, Alfano teaches the functions include a bearer manager comprising means for registering bearer modules and for indicating bearer module status (see lines 14-27 of page 6), wherein the bearer manager comprises means for responding to server application calls to register a bearer module (see lines 14-27 of page 6), wherein the bearer manager comprises means for responding to server application calls to register a bearer module (see lines 14-27 of page 6), and wherein the bearer manager comprises means for making a bind attempt to bind a bearer module to a transport mechanism (see lines 15-22 of page 4).

8. Referring to claim 15, Alfano teaches a wireless application server comprising a WSP and WTP layers over an interface layer (see items labeled 21 and 31 in figure 1).

9. Referring to claim 16, see rejections of claim 1-3, 6, and 7.

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***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alfano in view of Liao et al. (U.S. Patent No. 6,292,833 hereinafter "Liao").

12. Referring to claims 10 and 11, Alfano fails to teach the functions include a blacklist and whitelist manager comprising means for automatically testing all non-secure traffic, wherein the blacklist and whitelist manager comprises means for filtering traffic according to parameters set by a server application.

Liao teaches, in an analogous system and method, the above limitations (see lines 22-54 of column 7) in order to restrict access to only entities with permission.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the

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system and method of Alfano with the above teachings of Liao. One of ordinary skill in the art would have been motivated to make such modification in order to restrict access to allowed entities as suggested by Liao.

13. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alfano in view of Kumaki et al. (JP 404094238).

14. Referring to claim 12, Alfano fails to teach functions include a callback handler comprising means for allowing a server application to call routines for pre-processing and post-processing of WDP packets.

Kumaki teaches a system comprising means for a allowing a server application to call routines for pre-processing and post-processing (see Abstract) for the purpose of reducing transmission times by eliminating the transmission control information associated with the packets.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system and method of Alfano with the above teachings of Kumaki in order to reduce transmission times by eliminating the transmission control information associated with the packets.

15. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alfano in view of Pope et al. (U.S. Patent No. 6,091,712 hereinafter "Pope").

16. Referring to claim 13, Alfano fails to teach the functions include a log function comprising means for logging test data from a bearer module under test, and for providing said data to a requesting server application.

Pope teaches, in an analogous system, the above limitation (see lines 3-13 of column 4).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system and method of Alfano with the above teachings of Pope. One of ordinary skill in the art at the time of the applicant's invention would have been motivated to make such modification select the most appropriate bearer based on the performance recorded during the test.

17. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alfano in view of the paper "Distributed



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Architecture for Applications based on the GSM Short Message Service" (hereinafter "Martini").

18. Referring to claim 14, Alfano fails to teach the functions include a billing function comprising means for generating billing data on the basis of criteria supplied by the server.

Martini teaches an analogous method and system comprising a billing function comprising means for generating billing data on the basis of criteria supplied by the server (see right hand column of page 143, lines 1-20).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system and method of Alfano with the above teachings of Martini. One of ordinary skill in the art at the time of the applicant's invention would have been motivated to make such modification in order to produce billing information for proper accounting as suggested by Martini.

### ***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following reference is cited to further show the state of the art as it pertains to bearer channels:

US 2003/0055912 to Martin, Jr et al. teaches a list of permitted bearer channels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eron J Sorrell whose telephone number is 571 272-4160. The examiner can normally be reached on Monday-Friday 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Gaffin can be reached on 571 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EJS  
October 28, 2004

  
KIM HUYNH  
PRIMARY EXAMINER

10/29/04